

**ORDINANCE NO. 49-009    028001**

AN ORDINANCE LEVYING AND ASSESSING MAXIMUM SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS, AS AUTHORIZED BY RESOLUTION NO. 11-076 AS AMENDED BY RESOLUTION NO. 11-117 OF THE CITY (301 NORTH SAINT FRANCIS FACADE IMPROVEMENT DISTRICT).

WHEREAS, pursuant to Resolution No.11-076 of the City of Wichita, Kansas (the “City”) adopted on April 5, 2011, the Governing Body has authorized the creation of an improvement district and the construction of the following improvements (the “Improvements”):

*Facade Improvements at Lots 44 and 46 on Fourth, now St. Francis Avenue, J. R. Mead’s Addition, Sedgwick County, Kansas*

WHEREAS, pursuant to Resolution No. 11-117 of the City adopted on May 10, 2011 the City’s Governing Body amended Resolution No. 11-076 to increase the estimated maximum cost of the Improvements, accepted a revised Petition and accepted a Waiver and Consent signed by 100% of the owners of 301 N. Saint Francis, waiving the public hearing requirement relating to the amendment of the aforementioned resolution; and

WHEREAS, prior to commencement of construction of the Improvements, the City has determined the maximum amount of assessment against each lot, piece or parcel of land deemed to be benefited by the Improvements based on the approved estimate of cost of the Improvements and has received from the owners of all property to be assessed for the Improvements an executed waiver of notice of the public hearing on the proposed maximum assessment and consent to levy the maximum assessments described on *Exhibit A* to this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

**SECTION 1.** Pursuant to K.S.A. 12-6a01 *et seq.*, special assessments to pay the costs of the Improvements are hereby levied and assessed against the lots, pieces and parcels of land liable therefore as described on Exhibit A to this Ordinance, which is incorporated herein by reference, and in the amounts set forth on Exhibit A following the description of each lot, piece or parcel of land; provided, however, that if the final cost of the completed Improvements is less than the maximum amount of the assessments set forth on Exhibit A, the Governing Body of the City shall adjust the assessments to reflect the cost of the completed Improvements.

**SECTION 2.** The amounts so levied and assessed shall be due and payable from and after the date of publication of this Ordinance; and the City Clerk shall notify the owners of the

affected properties of the amounts of their assessments, bonds will be issued therefore and such assessments will be levied concurrently with general taxes and be payable in 15 annual installments.

**SECTION 3.** The City Clerk shall certify to the County Clerk, in the same manner and at the same time as other taxes are certified, for a period of 15 years, all of the adjusted assessments as referred to in Section 1, together with interest on such amount thereof at a rate not exceeding the maximum rate as prescribed by the laws of the state of Kansas; and such amounts shall be placed on the tax rolls and collected as other taxes are collected, the levy for each year being a portion of the principal amount of the assessment plus one year's interest on the amount remaining unpaid.

**SECTION 4.** This Ordinance shall take effect and be in force from and after its publication once in the official City newspaper. The City Clerk is directed to file this Ordinance with the Register of Deeds of Sedgwick County, Kansas.

PASSED by the Governing Body of the City of Wichita, Kansas, and approved by the Mayor on May 17, 2011.

(Seal)

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Gary Rebenstorf, City Attorney

## **EXHIBIT A**

### **Building Facade Improvement 301 North Saint Francis**

<b>Property Subject to Assessment</b>	<b>Proposed Maximum Assessment</b>
Lots 44 and 46 on Fourth, now St. Francis Avenue, J. R. Mead's Addition, Sedgwick County, Kansas	\$1,151,000